

TEXAS DEPARTMENT OF PUBLIC SAFETY

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STEVEN C. McCRAW
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DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

RECEIPT FOR HAND DELIVERY

Date: April 25, 2019

To: Office of the Attorney General
Open Records Section

From: Albert DiMarco
Office of General Counsel
Texas Department of Public Safety

RE: Public Information Request for basic information on missing American Indian persons within the state from 2000 through 2019 (PIR # 19-1598)

Acknowledgement of Delivery:

Name

Date and Time of Delivery:

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April 25, 2019

Via Hand Delivery

Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

RE: Public Information Request for basic information on missing American Indian persons within the state from 2000 through 2019 (PIR # 19-1598)

DATE REQUEST FOR INFORMATION RECEIVED:

4/15/2019

DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:

4/25/2019

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Christopher Schiano on April 15, 2019. We believe some or all of the requested information is excepted from required public disclosure pursuant to sections 552.101 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

Section 552.101 of the Government Code states that “[i]nformation is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

This section encompasses article 63.017 of the Code of Criminal Procedure, which provides:

Clearinghouse records that relate to the investigation by a law enforcement agency of a missing child, a missing person, or an unidentified body and records or notations that the clearinghouse maintains for internal use in matters relating to missing children, missing persons, or unidentified bodies are confidential.

Crim. Proc. Code art. 63.017. For purposes of article 63.017, “clearinghouse” is defined as the missing children and missing persons information clearinghouse, which is established within the Texas Department of Public Safety. *Id.* Arts. 63.001(7), .002(a).

Although the requestor asks for the missing person information, the information entered into the TCIC system by the local law enforcement agency is used to create the Missing Persons Clearinghouse record. Thus, release of the TCIC/NCIC report would be a release of the Clearinghouse record, which is confidential under article 63.017 of the Code of Criminal Procedure.

Therefore, the Department believes the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Please find enclosed the request from Christopher Schiano, the notice of our request for a ruling sent to the requestor, and a representative sample of the records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Sincerely,

Albert DiMarco

Albert DiMarco
Assistant General Counsel

Enclosure(s)

cc: Christopher Schiano
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\\hqogcs001\ORA\2019 requests\19-1598\19-1598 (19-04-25) letter to AG